

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO No.3627 of 2022 (O&M)
Date of Decision: 02.12.2022

National Insurance Company Limited

.... Appellant

Versus

Palwinder Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA

Present: Mr. B.S.Taunque (Brig.Retd.), Advocate
for the applicant-appellant.

Mr. Mohd. Yusuf, Advocate
for respondents No.1 to 3.

TRIBHUVAN DAHIYA, J. (ORAL)

This is an appeal filed by the insurance company impugning the award passed by Motor Accident Claims Tribunal, Jalandhar, dated 09.05.2022.

2. The respondents No.1 to 3/claimants were awarded compensation on account of death of Balkaran Singh in a motor vehicular accident on 13.02.2019. The deceased was held to be 19 years of age at the time of the accident, earning Rs.9,000/- per month. Based on that, by applying the multiplier of 18, the total amount of compensation of Rs.14,30,800/- along with interest at the rate of 7.5% per annum was awarded to the claimants.

3. The only argument advanced by learned counsel for the appellant is on quantum of compensation awarded by the Tribunal. He has urged that monthly income of the deceased has been wrongly assessed, and therefore, the assessed amount of compensation is also wrong. There was no material or evidence before the Tribunal to assess deceased's monthly income as Rs.9,000/- per month.

4. A perusal of the award shows that the claimed income of the deceased was Rs.25,000/- per month, which he was getting by doing a job in a shop in the name and style of Mahajan Electricals. The deceased was statedly planning to go to Canada for further studies also. The Tribunal, however, assessed monthly income of the deceased to be Rs.9,000/- per month as there was no evidence adduced in the form of income tax returns or any other document to establish the said income and occupation of the deceased.

5. It is, therefore, apparent that the deceased's income was assessed on the standards of minimum possible income of a person. If the income of a daily wage labourer at the time of the accident in question, i.e., 13.02.2019, is taken into account, in all probability it would be around Rs.9,000/- per month. In case the deceased, an able bodied educated youth, has been taken by the Tribunal to be earning that much, no exception can be taken to the same.

6. In view thereof, there is no ground to interfere with the award passed by the Tribunal so far as the assessment of deceased's income is concerned.

- 7. Appeal stands dismissed.
- 8. Pending miscellaneous application(s), if any, stand disposed of as having been rendered infructuous.

(TRIBHUVAN DAHIYA)
JUDGE

02.12.2022
Maninder

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No